

Serial No. 10/848,805, filed 5/19/2004

REMARKS

Claims 1-11 and 13-17 were rejected. However, claims 4, 12 and 15 were indicated as allowable if amended to include the limitation of the base claim and any intervening claims. Claims 5 and 6 should also have been indicated as allowable since they depend from claim 4. Claims 1 and 10 are in independent form.

A terminal disclaimer will be submitted shortly to overcome the double patenting rejection.

Claims 1-3, 5, 6-11, 13-14 and 16-17 were rejected under §103 over Shigeoka in view of Dobrosielski. Shigeoka is only used for the teaching of a sensor secured to a vehicle structure. The Examiner relies on Dobrosielski for all of the other limitations. The rejection is improper for at least three reasons.

First, the Examiner states that the motivation to modify Shigeoka is to protect the airbag sensor from damage during the collision. This reasoning is flawed. The sensor detects the collision impact long before it becomes damaged. The sensor is detecting the inertia/force of the impact, which occurs in milliseconds. It is irrelevant if the sensor becomes destroyed during the collision because it sends the signal for the airbag instantly. Accordingly, the stated motivation is flawed.

Second, Shigeoka does not need the housing of Dobrosielski, or any other housing for that matter, since it already has a housing. The sensing in Shigeoka is provided by the magnet 14, ball 15 and electrodes 16. All of these components are housed and protected within the storage space 13 provided by the holders 11 and 12. Therefore, no additional housing is needed since it would provide no benefit.

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Third, the Examiner is clearly picking and choosing elements to make the rejection, which is improper. If it is the Examiner's position that Shigeoka needs a housing, then what is the Examiner's reason for picking the housing of Dobrosielski? That is, what is the motivation to one of ordinary skill in the art to choose the Dobrosielski housing over all other possibilities for housings. The reason the Examiner proposes the combination with Dobrosielski is because it shows the missing captured fasteners. However, there is no motivation or suggestion in the art to support this combination. Accordingly, the rejection is improper and must be withdrawn.

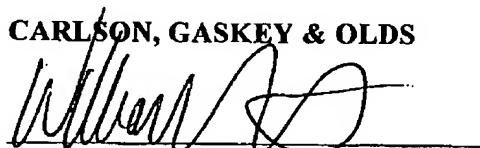
The rejection of claim 7 is improper. Merely stating that the missing limitation is design choice without providing a motivation to modify the base reference cannot support a rejection.

Additionally, the combination cannot support a rejection of claim 10. Claim 10 requires that the base having the captured fastener be secured to a vehicle. Dobrosielski uses the captured fastener to connect the two housing halves. In order for Dobrosielski to meet the claim limitations, it would have to teach that the captured fasteners are used with the mounting feet 15.

It is believed that this application is in condition for allowance. If any fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Respectfully submitted,

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